

. Regular meeting of the City Council: Austin, Texas, May 2nd 1912.

The Council was called to order by the Mayor, with all members present:

The minutes of the last regular and subsequent recessed meetings were read and adopted:

The Mayor laid before the Council the following report from the City Clerk:

Austin, Texas, May 1st 1912.

To the Hon Mayor and City Council,

City of Austin, Texas.

Gentlemen :

As required by Article 3, Section 3 of the City Charter, I herewith hand you my report of the result of an election held in this City on April 30th 1912, as shown by returns made to me by the Officers of election as follows:

*City Clerk's report
result of Election
for Bonds*

For the issuance of Sewer Bonds	1310
Against the issuance of Sewer Bonds	484
For the issuance of Street Bonds	1321
Against the issuance of Street Bonds	454
For the issuance of Cemetery Bonds	1450
Against the issuance of Cemetery Bonds	508
For the issuance of School Bonds	1486
Against the issuance of School Bonds	262
For the issuance of Hospital Bonds	1543
Against the issuance of Hospital Bonds	409
Total Number of Votes cast at said election	1875

Respectfully submitted ,

Jno O Johnson, City Clerk

The Mayor appointed Councilmen Haynes & Hart a Committee to verify the report of the City Clerk , as to said election.

*Suggestion how to
Verify Clerk's report*

Councilmen Haynes and Hart who were appointed a committee to verify the City Clerk's report as to the result of the election, made a verbal report stating that they had verified the City Clerk's report by checking same with the Official returns, and found the same correct.

Mayor Weoldridge offered the following resolution :

Whereas, at a meeting of the City Council of the City of Austin, Texas, held on on the 2nd day of May, A D 1912, the same being the regular meeting day of said Council , came on to be considered the returns of an election held on the 30th day of April , A D 1912, to determine whether or not the City Council of the City of Austin ~~is~~ authorized to issue bonds of the City of Austin , and to levy annually a tax sufficient to pay the interest on said bonds and to create a sinkink fund of at least 2% of the principal of said bonds and sufficient to redem same at maturity, as follows :

*Resolution declining
Result of Election*

- 1. In the sum of \$ 250,000.00 for sanitary Sewer purposes payable as follows \$ 5,000.00 each year for ten years after their date and \$ 10,000.00 each year for twenty years after said ten yearshave expired, bearing interest at not more than 5per centum per annum from date, payable semi-annually.
- 2. In the sum of \$ 250,000.00 for permanent street improvement, payable \$ 5,000.00 each year for ten years aftertheir date, and \$ 10,000.00 each ye

.year for 20 years after said ten years have expired, bearing interest at the rate of not more than 5% per annum payable semi-annually.

3. In the sum of \$ 50,000.00 ,for the purpose of purchasing ~~six~~ and improving new and additional public cemetery grounds, or of extending and improving the present cemetery grounds ,known as Oakwood Cemetery, or to do either or both of these things ,payable as follows; \$ 2,000.00 each year after their date ,bearing interest at the rate of not more than 5 % per annum payable semi-annually.

4. In the sum of \$ 150,000.00 for the purpose of constructing and repairing Public Free School buildings in the City of Austin ,and of purchasing sites therefor, payable at 40 y years from their date with an option of the redemption of the same or any part of the same at the end of 20 years from their date, bearing interest at not more than 5% per annum payable semi-annually.

5. In the sum of \$ 50,000.00 for the construction and equipment of a City Hospital building payable at 40 years from their date with an option of the redemption of the same or any part of the same at the end of 20 years from their date, bearing interest at not more than 5 % per annum, payable semi-annually: and,

Whereas, it appearing that said election was on said date in all respects lawfully and properly held ,and that the returns of said election were duly and legally made and that there were cast at said election the following votes:

1. For the issuance of Sewer bonds	1310 votes
Against the issuance of Sewer bonds	484 votes
2. For the issuance of Street bonds	1321 votes
Against the issuance of Street bonds	454 votes
3. For the issuance of Cemetery bonds	1450 votes
Against the issuance of Cemetery bonds	308 votes
4. For the issuance of School bonds	1486 votes
Against the issuance of School bonds	262 votes
5. For the issuance of Hospital bonds	1343 votes
against the issuance of Hospital bonds	409 votes

And Whereas, it appearing that each of the above propositions has received more than two-thirds of the votes cast at said election ,therefore :

Be it resolved by the City Council of the City of Austin *Nayan* :

Section 1. That it is hereby ordered and declared that each of the above propositions to issue bonds of the City of Austin, Texas, and to levy taxes therefor ,was sustained by a two-thirds majority of the qualified property taxpayers voting at said election, and that the City Council of the said City is authorized to issue all of said bonds and to levy and have ~~issued~~ ^{Assessed} and collected said taxes .

Section 2. It is directed that the City Clerk be and he is hereby instructed to enter these proceedings in the minutes of the City Council .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5
Nays none.

Councilman Hart offered the following resolution :

It appearing to the City Council that a young man by the name of Jon Powers was convicted of the misdemeanor of being on premises not his own under suspicious circumstances and at the time when certain property was stolen ,that he was fined in the Corporation Court the sum of \$ 25.00 and costs amounting in the aggregate to the sum of \$ 40.00 ,that he worked out and laid in jail the sum of \$ 3.00, leaving a balance unpaid of \$ 37.00,

*Line for Powers
reverted*

That on account of his youth) being about seventeen years of age) he was turned over to the United Charities department, that the Secretary of said department, with the utmost confidence in the promise of reform and future usefulness, killed the fatted calf, clothed him in fresh rayment, procured him a hotel to rest and refresh himself and report for further consideration, but the young man feeling his liberty, hied him to ^{other} pastures; Now therefore, upon the recommendation of The Supt of Police and Public Safety and believing that the best interest of the City will be subserved thereby, Be it resolved by the City Council of the City of Austin :

That said fine of \$ 37.50 unpaid, be and the same is hereby remitted.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart offered the following resolution :

Whereas, it appearing to the City Council that the horse of one Will Brown was impounded in the City pound for the release of which he paid the fee of \$ 1.50, that the horse was out by accident as he does not allow his stock to run at large, that he lives in south Austin and this is the first time his horse has been at large, and the Supt of Police and Public Safety recommending the remission of said fee; therefore,

Be it resolved by the City Council of the City of Austin :

That said fee be and is hereby remitted and the money being still in the hands of the Clerk of the Corporation Court said Officer is authorized and directed to refund to said Brown said \$ 1.50.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart presented a petition from J S Jackson, asking the Council to refund a certain pound fee paid by him.

The petition was read and a motion made that the Council refuse to refund the said amount, which motion prevailed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart presented a petition from F W Sanders, asking the Council to remit a fine assessed against him in the Corporation Court, which was read and a motion made that the petition be refused, which motion prevailed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Powell offered the following resolution :

Resolution approving the City Engineer's report concerning improvement on Colorado street in the City of Austin, and directing a hearing to property owners concerning the assessment for a part of the cost of such improvement against them and their property, fixing a time for said hearing and directing that a notice be given to said property owners concerning the said hearing.

Will Brown
pound fee

J. S. Jackson
pound fee

Fine Sanders

Engineer's report
improvement Colorado
Street

Whereas, the City Council of the City of Austin has heretofore determined to improve Colorado street in said City from the north property line of seventh street, to the south curb line of 8th street, by paving the same with the Bitulithic pavement upon gravel concrete foundation with concrete gutters along curb line and necessary excavation, and has adopted specifications for said work, and has entered into a contract for the same with the Texas Bitulithic Company, a corporation; and,

Whereas, the City Engineer of the City of Austin has this day filed his report in writing with the City Council, showing the total cost of the said improvements upon the said street, the amount per front foot of abutting property to be paid by the owners thereof, and also the names of persons, estates or corporations owning property abutting on said improvement, with a description of their property and a statement of the total amount payable by each of said owners for said improvements; and,

Whereas, the City Council has examined the said report and finds the same correct; and,

Whereas, the necessity exists that a portion of the cost of the said improvements should be assessed against said property owners and their property, subject to the terms of the Charter of the City and the ordinance in such cases made and provided, and after the notice and hearing provided by said Charter and ordinance.

Now therefore. Be it resolved by the City Council of the City of Austin :

Sec 1. That the said report of the City Engineer be, and the same is hereby approved and adopted.

Sec 2. That a portion of, ^{Cost of} the making the said improvements shall be assessed against the owners of property abutting on Colorado street in the City of Austin, between its intersection of 7th street and 8th street, and against the said property; that the said assessment shall be made at the rate of \$ 5.00 ⁷/₁₀₀ per front foot of such property, in accordance with the "Front foot plan or rule" in proportion as the frontage of each owner on said street is to the whole frontage to be improved, provided, that if said rule of apportionment shall appear to the Council to be unjust or unequal in any particular case, or to result in an assessment in excess of the benefits received through said improvement by any owner or his property, the City Council shall adopt such rule of apportionment as shall effect substantial equality and justice between said property owners, considering benefits received by and burdens imposed upon said owners, and that in no event shall any assessment be made in excess of the enhanced value thereof by means of the said improvement.

Sec 3. That a hearing shall be given before the Council to said property owners on the 9th day of May, 1912, at ten O'Clock A M, at the Council Chamber in the City Hall, in the City of Austin, Texas; at which hearing said property owners, their agents or Attorneys, shall be fully and fairly heard as to all matters concerning the said improvement, or any irregularities or invalidity in the proceedings with reference thereto, or as to the benefits thereof, if any, to their property, and as ^{to} the assessment proposed to be made against them and their property and as to any other matter or thing connected therewith. At which hearing the said owners shall have the right to produce witnesses and testimony, and which hearing shall be adjourned from time to time and from day to day until all are fully heard, and all matters in connection with the said improvement and assessment fully ascertained; that after the said hearing shall be closed, said City Council will proceed to assess against owners of property upon said street and their property, who shall agree with said Council upon the said assessment, such sums as may be so agreed upon and determined as provided by the Charter of the City and the said ordinance; that as to any such property owners who may not so agree

the City Council will, after said hearing, appoint a commission to determine said assessments, and will take such further steps in the ascertainment thereof as are provided by the City Charter and ordinance.

Sec 4. That the Superintendent of Streets and Public Improvements of the City of Austin is hereby directed to give notice hereof to the said property owners, their agents and attorneys, by publication of a copy of this resolution not less than twice in the Austin Statesman, a daily paper of general circulation in the City of Austin, the first publication to be not less than five days prior to the date of said hearing; and in addition thereto said Officer is hereby directed to give written notice of said hearing by posting a copy hereof to each of the said owners if their address be known, or if unknown, then to their agent or attorney, if known; said copies to be deposited in the Post Office at the City of Austin not less than five days prior to the date set for the said hearing; that the said notice by posting shall be only cumulative of and in addition to said notice by publication, which notice by publication shall be a sufficient and legal notice.

Approved:

J Bouldin Rector, City Attorney .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Powell offered the following resolution :

Resolution approving the City Engineers report concerning improvement on West 7th street in the City of Austin, and directing a hearing to property owners concerning the assessment for a part of the cost of such improvements against them and their property, fixing a time for said hearing and directing that a notice be given to said property owners concerning the said hearing .

Whereas, the City Council of the City of Austin has heretofore determined to improve west 7th street in said City from the west property line of Colorado street, to the east property line of Guadalupe street, by paving the same with the Bitulithic pavement upon gravel concrete foundation with concrete gutters along curb lines and necessary excavation, and has adopted specifications for said work, and has entered into a contract for the same with the Texas Bitulithic Company, a corporation; and,
Whereas, the City Engineer of the City of Austin has this day filed his report in writing with the City Council, showing the total cost of the said improvements upon the said street, the amount per front foot of abutting property to be paid by the owners thereof, and also the names of persons, estates or corporations owning property abutting on said improvement, with a description of their property and a statement of the total amount payable by each of said owners for said improvements; and,

Whereas, the Council has examined the said report and finds the same correct and,

Whereas, the necessity exists that a portion of the cost of said improvement should be assessed against said property owners and their property, subject to the terms of the Charter of the City and the ordinance in such cases made and provided, and after the notice and hearing provided by

*Resolution approving
Engineers report
paving West*

• said Charter and ordinance.

Now therefore, Be it resolved by the City Council of the City of Austin :

Sec 1. That the said report of the City Engineer be, and the same is hereby approved and adopted .

Sec 2..That a portion of the cost of making the said improvements shall be assessed against the owners of property abutting on west 7th street in the City of Austin , between its intersection of Colorado street, and its intersection of Guadalupe street, and against the said property ;that the said assessment shall be made at the rate of \$ 50⁰⁰/₁₀₀ per front foot of such property, in accordance with the "front foot plan" or rule. in proportion as the frontage of each owner on said street is to the whole frontage to be improved ;provided, that if said rule of apportionment shall appear to the City Council to be unjust or unequal in any particular case ,or to result in an assessment in excess of the benefits received through said improvement by any owner or his property, the City Council shall adopt such rule of apportionment as shall effect substantial equality and justice between said property owners, considering benefits received by and burdens imposed upon said owners ,and that in no event shall any assessment be made in excess of the actual benefits received by the owners of said property through the enhanced value thereof by means of the said improvement.

Sec 3. That a hearing shall be given before the Council to said property owners on the 9th day of May ,1912, at 10 O'clock A M, at the Council chamber in the City Hall ,in the City of Austin, Texas,; at which hearing said property owners, their agents or attorneys shall be fully and fairly heard as to all matters concerning the said improvement, or any irregularity or invalidity in the proceedings with reference thereto, ~~XXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ as to the benefits thereof, if any, to their property, and as to the assessment proposed to be made against them and their property, and as to any other matter or thing connected therewith. At which hearing the said owners shall have the right to produce witnesses and testimony, and which hearing shall be adjourned from time to time and from day to day until all are fully heard, and all matters in connection with the said improvement and assessment fully ascertained; that after the said hearing shall be closed ., said City Council will proceed to assess against owners of property upon said street and their property, who shall agree with said Council upon the said assessments , such sums as may be so agreed upon and determined as provided by the Charter of the City and the said ordinance; that as to any such property owner who may not so agree, the City Council will, after said hearing, appoint a commission to determine said assessments ,and will take such further steps in the ascertainment thereof as are provided by the City Charter and ordinance.

Sec 4. That the Supt of Streets and Public Improvements of the City of Austin is hereby directed to give notice hereof to said property owners ,their agents and attorneys , by publication of a copy of this resolution not less than twice in the Austin Statesman a daily paper of general circulation in the City of Austin ,the first publication to be not less than five days prior to the date of said hearing; and in addition thereto said Officer is hereby directed to give written notice of said hearing by posting a copy hereof to each of the said owners if their address be known, or if unknown, then to their agent or attorney, if known; said copies to be deposited in the Post Office in the City of Austin not less than five days prior to the date set for the said hearing; that the said notice by posting shall be only cumulative of and in addition to said notice by publication ,which notice by publication shall be sufficient and legal notice.

Approved ,J Bouldin Rector, City Attorney.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Heynes & Powell 5

Nays none.

The Mayor laid before the Council the following communication :

Austin, Texas, May 2nd 1912.

Hon Mayor and City Council,

City of Austin, Texas.

Gentlemen :

When the new grade was established for the Bitulithic pavement on Brazos street between sixth & 7th streets, it left the present sidewalk in front of Washington Fire Hall entrance on an average of nine and a half inches above the gutter, making it difficult to back in ; therefore truck.

In order that this may be remedied ,I would recommend that the present sidewalk be cut out and put on new grade of the street, and that a runway be built on a gradual incline from the building out to the street, on a grade which will enable the fire truck to be backed in without difficulty. This will necessitate extending the runway out into the street eight or ten feet, and in order that the surface of the street may be uniform material I would recommend that it be made of Bitulithic material. On account of the doorway being level, and the street on a grade, it will be necessary to break the grade of the sidewalk in two places and cytherwise warp it so as to meet the two differing grades. While this will not present the best of appearance, it is probably the best that can be done with this situation. The work will cost in the neighborhood of \$ 70.00.

The recommendation was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Haynes offered the following resolution:

Whereas, Mrs Annie M Miller was assessed in 1911, for credits in the amount of \$ 3,000.00; and,

Whereas, Mrs Annie M Miller on the 24th day of April 1912, has made affidavit that she owed notes more than the amount of said assessed credits, which affidavit is attached hereto and made a part hereof; Now Therefore,

Be it resolved by the City Council of the City of Austin :

That the assessment against Mrs Annie M Miller for credits for the year 1911, be and the same is hereby cancelled and annulled.

Be it further resolved:

That the Assessor and Collector of this City be and he is hereby entitled to take credit upon his assessment rolls for 1911 in the amount of the assessment against Mrs Annie M Miller herein and hereby cancelled .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Councilman Haynes offered the following resolution :

Whereas, J R Bailey was assessed credits represented by notes for the year 1911 in the amount of \$ 1,599.00; and

Whereas, said J R Bailey makes affidavit ,which affidavit is attached hereto and made a part hereof, that his debts by note exceeded said credits assessed against him; Now Therefore,

Be it resolved by the City Council of the City of Austin :

Entrance to
Washington Fire
Hall remodeled

Assessment
Mrs Annie M Miller
Corrected

Assessment
J R Bailey
Corrected

That the assessment against said J R Bailey for the year 1911 for credits in the amount of \$ 1,599.00 be and the same is hereby cancelled and annulled, and the Assessor and Collector of this City is declared entitled to take credit upon his assessment rolls in the amount of said assessment therein and hereby cancelled.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Haynes offered the following resolution :

Whereas, W S Benson, Trustee, was assessed for 1911, as having credits subject to taxation in the amount of \$ 1,000.00 ; and,

Whereas, from the affidavit of the said W S Benson, Trustee, which affidavit is attached to and made a part hereof, it appears that he owned notes more than the amount of said credits assessed against him; Therefore,

Be it resolved by the City Council of the City of Austin :

That the credits assessed against said W S Benson, Trustee, amounting to \$ 1,000.00 , be and the same are hereby cancelled and annulled and the Assessor and Collector of the City of Austin is hereby authorized to take credit upon his assessment rolls for 1911, in the amount of the assessment herein and hereby cancelled .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

The Council then adjourned .

Geo. O. Johnson
City Clerk.

*Assessment
W.S. Benson
Trustee
Concealed*